

NEW REGULATIONS FOR TRANSPORT

17TH DECEMBER 2015



NSAB 2000 REPLACED BY NEW REGULATIONS

After negotiations with the transport purchaser organisations of The Nordic countries, The Nordic Association of Freight Forwarders have finalised NSAB 2015. The new regulations are introduced with effect from January 1st, 2016 and will from this day be an integrated part of the LEMAN terms and conditions.

The new rules are not significant changed to the current set of rules, but a clarification, adaptation and modernisation of the existing regulations.

UPDATED AND MORE CONTEMPORARY REGULATIONS

NSAB 2015 is in accordance with the previous regulations an "agreed document", implying that the regulatory framework must be agreed between the parties to apply. As indicated, NSAB is a part of the general business conditions of LEMAN and are therefore considered, unless otherwise explicitly agreed, as a part of the transportation and logistics agreement with LEMAN's clients.

NSAB 2015 therefore exactly defines the division of responsibilities and distribution of roles between the freight forwarder and orderer, in accordance with the development of the industry. Moreover, the NSAB 2015 implies that not only intent, but also gross negligence means that the freight forwarder loses the opportunity to invoke the limitation of liability. This change must be considered to be consistent with the general legal view.

Distraint regulations have also been updated and now include explicit liens. Intermediary liability remains limited to 50,000 SDR per order, while the introduction of a global limit of 500,000 SDR.

NEW INITIATIVES - TENDER 2015

As a new initiative, and in addition to the NSAB 2015, a new TENDER 2015 has been developed.

TENDER 2015 is likewise an "agreed document", which unanimously is agreed to by both the transport buyers as well as the forwarding agent. The reason for the TENDER 2015 as a separate legal tool is that this is intended to be used for the actual formation of the contract, and thus best applied before the agreement is final, and in time is concurrently separated from NSAB 2015.

TENDER 2015 regulations firstly concerns confidentiality of information submitted by the parties, so that information not without permission can be submitted to consultants associated with one party.

In addition the regulation may result in a fine.

Secondly, the TENDER 2015 regulates the carrier's right to compensation for resources defrayed to the tender submitted, in cases where the freight forwarder does not win the bidding, and where the tender documents represent more than 20 standard pages, and if the bidding involves more than 3 forwarding companies.

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